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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,939	04/05/2001	Ken R. Powell	104.024	3810

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EXAMINER

RETTA, YEHDEGA

ART UNIT PAPER NUMBER

3622

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/825,939

Applicant(s)

POWELL, KEN R.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This office action is in response to amendment filed January 27, 2005. Applicant amended claims 1, 2, 5, 6, 8, 9, 12, 13, 15, 16, 19 and 20, and canceled claims 3, 10 and 17.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-8, 11-15 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Schulze, Jr. U.S. Patent No. 6,497,360.

Regarding claims 1, 4, 6 and 7, Schulze teaches enabling a price adjustment for a purchase with each store, providing price adjustment at each store, effecting the purchase at each store, sending a first and second signal corresponding to the purchase, storing transaction amounts, processing the signals to generate a third signal corresponding to an offset of funds

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between a selected manufacturer and retailer; plurality of retailers, plurality of manufacturers, a manufacturer having a computer system storing a monetary amount corresponding to the price adjustment, a checkout system, effecting each purchase with each store (see fig. 4-9 and col. 4 lines 62- 67, col. 5 line 55 to col. 6 line 26, col. 6 line 65 to col. 8 line 67, col. 10 lines 53-67, col. 11 lines 22-57 and col. 13 line 27 to col. 14 line 5).

Regarding claims 8 and 11-14, Schulze teaches a monetary amount stored in a computer system corresponding to a budget for discount occurring in a retail store, a generator, in a retailer, that generate a first and second signal corresponding to a price-adjusted first purchase and a processor that receives signals and generates a signal corresponding to an offset of funds between a manufacturer and a retailer, plurality of retailers and manufacturers, a manufacturer having a computer system storing a monetary amount corresponding to the price adjustment, a checkout system. Schulze teaches different manufacturers providing discount coupon for redemption at different stores and report provided to each product whose coupons have been redeemed and the manufacturers providing reimbursement for the discount provided to the customers (see fig. 4-9 and col. 4 lines 62- 67, col. 5 line 55 to col. 6 line 67, col. 7 lines 1-57, col. 8 lines 8-67, col. 10 lines 53-67).

Regarding claims 15 and 18-21, Schulze teaches means for enabling a price adjustment for a purchase with each retailer by storing a monetary amount in a computer system for discount occurring at each retail store, means for effecting the purchase, means for sending a first and second signal corresponding to the purchase, means for processing the signals to generate a third signal corresponding to an offset of funds between a selected manufacturer and retailer; plurality of retailers, plurality of manufacturers, a first manufacturer having a computer system storing a

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monetary amount corresponding to the price adjustment, a checkout system (see fig. 4-9 and col. 4 lines 62- 67, col. 5 line 55 to col. 6 line 26, col. 7 lines 43-57, col. 8 lines 8-67, col. 10 lines 53-67).

Regarding claims 5 and 22, Schulze teaches providing monetary amount corresponding to a discount occurring in any retailer for a product wherein the discount is affected with a coupon (see col. 7 line 1 to col. 8 line 67 and fig. 4-9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulze and further in view of Official Notice.

Regarding claims 2, 9 and 16, Schulze teaches retail stores selling products (see col. 5 lines 55-65). Schulze does not explicitly disclose the retail store displaying a discount level for products and effecting a purchase in accordance with the display. Official Notice is taken that is old and well known in the art of retail store to display discount level for product and to effect the purchase according to the displayed discount. One would be motivated to display discount level of a product in order to inform a customer of the discounted product and to charge the customer accordingly.

***Response to Arguments***

Applicant's arguments filed January 27, 2005 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach enabling a price adjustment for a first purchase with the first store, by storing a first monetary budget for discount occurring only in the first retailer. Applicant also states that the prior art does not teach interrelation including storing a monetary amount corresponding to a budget in the first computer system and the second monetary amount corresponding to a budget for discount occurring only in the second retailer, etc. Applicant application does not teach wherein the budgets are different from each other. The specification provides example as the retail price adjustment by allocating budget 26 for retailer 11 and the allocated budget 22 for retailer 6 being the same amount. The allocated budget by manufacturer 4 for retailer 11 and 6 is also the same. Therefore there is no different between the budgets allocated for each store. According to applicant's specification the manufacturer provides the same product discount to each and any every store. Schulze also teach the same.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta  
Primary Examiner  
Art Unit 3622

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